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NPDES PERMIT MODIFICATION

issued to

ReEnergy Sterling CT Limited Partnership
10 Exeter Drive
Sterling, CT 06377

Location Address:

10 Exeter Drive
Sterling, CT 06377

Permit ID: CT0026972

Receiving Stream: Moosup River

Stream Segment Number: CT3500-00_03

Permit Expires: January 17, 2017

SECTION 1: GENERAL PROVISIONS

- (A) This permit modification is issued in accordance with section 22a-430 of Chapter 446k, Connecticut General Statutes ("CGS"), and Regulations of Connecticut State Agencies ("RCSA") adopted thereunder, as amended, and section 402(b) of the Clean Water Act, as amended, 33 USC 1251, et. seq., and pursuant to an approval dated September 26, 1973, by the Administrator of the United States Environmental Protection Agency for the State of Connecticut to administer an N.P.D.E.S. permit program.
- (B) **ReEnergy Sterling CT Limited Partnership**, ("Permittee"), shall comply with all conditions of this permit including the following sections of the RCSA which have been adopted pursuant to section 22a-430 of the CGS and are hereby incorporated into this permit. Your attention is especially drawn to the notification requirements of subsection (i)(2), (i)(3), (j)(1), (j)(6), (j)(8), (j)(9)(C), (j)(10)(C), (j)(11)(C), (D), (E), and (F), (k)(3) and (4) and (l)(2) of section 22a-430-3.

Section 22a-430-3 General Conditions

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- (b) General
- (c) Inspection and Entry
- (d) Effect of a Permit
- (e) Duty
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Section 22a-430-4 Procedures and Criteria

- (a) Duty to Apply
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 - (l) Establishing Effluent Limitations and Conditions
 - (m) Case by Case Determinations
 - (n) Permit issuance or renewal
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 - (p) Permit revocation, denial or modification
 - (q) Variances
 - (r) Secondary Treatment Requirements
 - (s) Treatment Requirements for Metals and Cyanide
 - (t) Discharges to POTWs - Prohibitions
- (C) Violations of any of the terms, conditions, or limitations contained in this permit may subject the Permittee to enforcement action including, but not limited to, seeking penalties, injunctions and/or forfeitures pursuant to applicable sections of the CGS and RCSA.
- (D) Any false statement in any information submitted pursuant to this permit may be punishable as a criminal offense under section 22a-438 or 22a-131a of the CGS or in accordance with section 22a-6, under section 53a-157b of the CGS.
- (E) The authorization to discharge under this permit may not be transferred without prior written approval of the Commissioner of Energy and Environmental Protection ("Commissioner"). To request such approval, the Permittee and proposed transferee shall register such proposed transfer with the Commissioner, at least 30 days prior to the transferee becoming legally responsible for creating or maintaining any discharge which is the subject of the permit transfer. Failure, by the transferee, to obtain the Commissioner's approval prior to commencing such discharge(s) may subject the transferee to enforcement action for discharging without a permit pursuant to applicable sections of the CGS and RCSA.
- (F) No provision of this permit and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the Permittee pursuant to this permit will result in compliance or prevent or abate pollution.
- (G) Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- (H) An annual fee shall be paid for each year this permit is in effect as set forth in section 22a-430-7 of the Regulations of Connecticut State Agencies.

SECTION 2: DEFINITIONS

- (A) The definitions of the terms used in this permit shall be the same as the definitions contained in section 22a-423 of the CGS and section 22a-430-3(a) and 22a-430-6 of the RCSA, except for "No Observable Acute Effect Level (NOAEL)" which is redefined below.
- (B) In addition to the above, the following definitions shall apply to this permit:

"----" in the limits column on the monitoring table means a limit is not specified but a value must be reported on the

DMR.

"Average Monthly Limit"; means the maximum allowable "Average Monthly Concentration" as defined in section 22a-430-3(a) of the RCSA when expressed as a concentration (e.g. mg/l); otherwise, it means "Average Monthly Discharge Limitation" as defined in section 22a-430-3(a) of the RCSA.

"Critical Test Concentration (CTC)" means the specified effluent dilution at which the Permittee is to conduct a single-concentration Aquatic Toxicity test.

"Daily Concentration" means the concentration of a substance as measured in a daily composite sample, or the arithmetic average of all grab sample results defining a grab sample average.

"Daily Quantity" means the quantity of waste discharged during an operating day.

"Instantaneous Limit" means the highest allowable concentration of a substance as measured by a grab sample, or the highest allowable measurement of a parameter as obtained through instantaneous monitoring.

"In stream Waste Concentration (IWC)" means the concentration of a discharge in the receiving water after mixing has occurred in the allocated zone of influence.

"Maximum Daily Limit", means the maximum allowable "Daily Concentration" (defined above) when expressed as a concentration (e.g. mg/l); otherwise, it means the maximum allowable "Daily Quantity" as defined above, unless it is expressed as a flow quantity. If expressed as a flow quantity it means "Maximum Daily Flow" as defined in section 22a-430-3(a) of the RCSA.

"mg/l" means milligrams per liter.

"NA" as a Monitoring Table abbreviation means "not applicable".

"NR" as a Monitoring Table abbreviation means "not required".

"No Observable Acute Effect Level (NOAEL)" means any concentration equal to or less than the critical test concentration in a single concentration (pass/fail) toxicity test conducted pursuant to section 22a-430-3(j)(7)(A)(i) RCSA demonstrating greater than 50% survival of test organisms in 100% (undiluted) effluent and 90% or greater survival of test organisms at the CTC

"Quarterly", in the context of a sampling frequency, means that a representative sample shall be collected during each of the following periods: January - March, inclusive; April – June, inclusive; July – September, inclusive, and; October – December, inclusive.

"Range During Month" ("RDM"), as a sample type, means the lowest and the highest values of all of the monitoring data for the reporting month.

"Range During Sampling" ("RDS"), as a sample type, means the maximum and minimum of all values recorded as a result of analyzing each grab sample of; 1) a Composite Sample, or, 2) a Grab Sample Average. For those Permittees with continuous monitoring and recording pH meters, Range During Sampling means the maximum and minimum readings recorded with the continuous monitoring device during the Composite or Grab Sample Average sample collection.

"Semi-Annual" in the context of a sampling frequency, means that a representative sample shall be collected during each of the following periods: January – June, inclusive, and; July – December, inclusive. Semi-annual samples shall be taken at least thirty days apart.

"µg/l" means micrograms per liter.

SECTION 3: COMMISSIONER'S DECISION

- (A) The Commissioner, has issued a final determination and found that modification of the existing system or installation

of a new system would protect the waters of the state from pollution. The Commissioner's decision is based on Application No. 201407571 for permit modification received on July 30, 2014 and the administrative record established in the processing of that application.

- (B) (1) From the issuance of this permit modification through and including [LAST DAY OF MONTH, MONTH OF PERMIT REISSUANCE], the Commissioner hereby authorizes the Permittee to discharge in accordance with the terms and conditions of Permit No. CT00026972, issued by the Commissioner to the Permittee on [EXISTING ISSUANCE DATE], the previous application submitted by the Permittee on [PREVIOUS APPLICATION RECEIVED DATE], and all modifications and approvals issued by the Commissioner or the Commissioner's authorized agent for the discharge and/or activities authorized by, or associated with, Permit No. CT00026972, issued by the Commissioner to the Permittee on [PREVIOUS ISSUANCE DATE].
- (2) From [FIRST DAY OF MONTH, MONTH FOLLOWING PERMIT REISSUANCE] until this permit expires or is modified or revoked, the Commissioner hereby authorizes the Permittee to discharge in accordance with the terms and conditions of Permit No. CT00026972, issued by the Commissioner to the Permittee on [DATE OF PERMIT ISSUANCE], Application No. 201407571 received by the Department on July 30, 2014, and all modifications and approvals issued by the Commissioner or the Commissioner's authorized agent for the discharge and/or activities authorized by, or associated with, Permit No. CT00026972, issued by the Commissioner to the Permittee on [DATE OF PERMIT ISSUANCE].
- (C) The Commissioner reserves the right to make appropriate revisions to the permit in order to establish any appropriate effluent limitations, schedules of compliance, or other provisions which may be authorized under the Federal Clean Water Act or the CGS or regulations adopted thereunder, as amended. The permit as modified or renewed under this paragraph may also contain any other requirements of the Federal Clean Water Act or CGS or regulations adopted thereunder which are then applicable.

SECTION 4: GENERAL EFFLUENT LIMITATIONS

- (A) No discharge shall contain, or cause in the receiving stream, a visible oil sheen or floating solids; or, cause visible discoloration or foaming in the receiving stream.
- (B) No discharge shall cause acute or chronic toxicity in the receiving water body beyond any zone of influence specifically allocated to that discharge in this permit.
- (C) The temperature of any discharge shall not increase the temperature of the receiving stream above 85°F, or, in any case, raise the normal temperature of the receiving stream more than 4°F.

SECTION 5: SPECIFIC EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- (A) The discharge shall not exceed and shall otherwise conform to the specific terms and conditions listed below. The discharge is restricted by, and shall be monitored in accordance with, the tables below:

Table A

Discharge Serial Number: 001-1						Monitoring Location: 1			
Wastewater Description: : Stormwater runoff from ReEnergy facility’s impervious areas and infiltrating groundwater collected in a 2.2 million gallon retention basin									
Monitoring Location Description: In the settling basin chemical shed immediately following final pH adjustment									
Allocated Zone of Influence (ZOI) : 103,823 gph						In-stream Waste Concentration (IWC 24 hours): 5.68 %			
PARAMETER	UNITS	FLOW/TIME BASED MONITORING				INSTANTANEOUS MONITORING			Minimum Level Test ⁴
		Average Monthly Limit	Maximum Daily Limit	Sample/ Reporting Frequency ^{2,3}	Sample Type or Measurement to be reported	Instantaneous limit or required range	Sample/ Reporting Frequency ²	Sample Type or measurement to be reported	
NOAEL Static 48 Hr, Acute Daphnia pulex CTC 38% ⁵	%	NA	≥90%	Quarterly	Daily Composite	≥90%	NR	Grab	
NOAEL Static 48 Hr, Acute Pimephales promelas CTC 38% ⁵	%	NA	≥90%	Quarterly	Daily Composite	≥90%	NR	Grab	
LC50 Static 48 Hr Acute Daphnia pulex ⁵	%	NA	≥100%	Quarterly	Daily Composite	≥100%	NR	Grab	
LC 50 Static 48 Hr, Pimephales promelas ⁵	%	NA	≥100%	Quarterly	Daily Composite	≥100%	NR	Grab	
Aluminum, Total (as Al)	mg/l	0.91	1.83	Monthly	Daily Composite	2.75	NR	Grab	*
Barium, Total	mg/l	---	---	Semi-Annually	Daily Composite	NA	NR	NA	
Cadmium, Total	mg/l	0.002	0.004	Monthly	Daily Composite	0.006	NR	Grab	*
Chromium, Total	mg/l	---	---	Quarterly	Daily Composite	NA	NR	NA	*
Copper, Total	mg/l	0.050	0.093	Monthly	Daily Composite	0.140	NR	Grab	*
Duration of discharge (Day of Sample)	Hr	NA	---	Monthly	Total (Hours)	NA	NR	NA	
Flow rate (Average Daily) ¹	Gpd	150,000	NA	Daily	Total Flow	NA	NR	NA	
Flow, instantaneous	Gpm	---	---	Monthly	Total Flow	NA	NR	NA	
Flow Total (Day of Sample)	Gpd	NA	250,000	Monthly	Total Flow	NA	NR	NA	
Flow, Maximum During 24 hr Period ¹	Gpd	NA	250,000	Daily	Total Flow	NA	NR	NA	
Iron, Total	mg/l	---	---	Quarterly	Daily Composite	NA	NR	NA	
Lead, Total	mg/l	---	---	Quarterly	Daily Composite	NA	NR	NA	*
Manganese, Total	mg/l	---	---	Quarterly	Daily Composite	NA	NR	NA	
Nickel, Total	mg/l	---	---	Quarterly	Daily Composite	NA	NR	NA	*
Nitrogen, Ammonia Total (as N)	mg/l	---	---	Quarterly	Daily Composite	NA	NR	NA	
Nitrogen, Nitrate Total (as N)	mg/l	---	---	Quarterly	Daily Composite	NA	NR	NA	
Oil and Grease, Total	mg/l	NA	NA	Monthly	Grab Sample Average	10.0	NR	NA	
Phosphorus, Total (as P)	mg/l	---	---	Quarterly	Daily Composite	NA	NR	NA	
pH, Day of Sampling	S.U.	NA	NA	NR	NA	6.0 - 9.0	Monthly	RDS	
pH, Minimum	S.U.	NA	NA	NR	NA	6.0	Continuous	Continuous	
pH, Maximum	S.U.	NA	NA	NR	NA	9.0	Continuous	Continuous	
Total Suspended Solids	mg/l	---	66.7	Monthly	Daily Composite	100	NR	Grab	
Zinc, Total	mg/l	0.528	1.060	Monthly	Daily Composite	1.590	NR	Grab	*

Table A Footnotes:

¹ For this parameter, the Permittee shall maintain at the facility a record of the Total Daily Flow for each day of discharge and shall report the Maximum Daily Flow for each month.

² The first entry in this column is the 'Sample Frequency'. If this entry is not followed by a 'Reporting Frequency' and the 'Sample Frequency' is more frequent than monthly then the 'Reporting Frequency' is monthly. If the 'Sample frequency' is specified as monthly, or less frequent, then the 'Reporting Frequency' is the same as the 'Sample Frequency'.

³ For each calendar month, the Permittee must submit DMR indicating "SAMPLING OPTIONAL" except for the months that sampling occurs, in which case the Permittee shall report the result of the wastewater analyses on the DMR.

⁴ Minimum Level Test refers to revised Section 7(A)(3) of the existing permit.

⁵ All analysis shall be on the same sample.

Table A Remarks:

- a) Please refer to Sections 6(A), 6(B), 6(C) and 6(D) of this modified permit.

- (1) All samples shall be comprised of only the wastewater described in these tables. Samples shall be collected prior to combination with receiving waters or wastewater of any other type, and after all approved treatment units, if applicable. All samples collected shall be representative of the discharge during standard operating conditions.
- (2) In cases where limits and sample type are specified but sampling is not required by this permit, the limits specified shall apply to all samples which may be collected and analyzed by the Department of Energy and Environmental Protection personnel, the Permittee, or other parties.

SECTION 6: SPECIAL CONDITION

- (A) The Permittee shall perform all Best Management Practices (BMPs) described in the Operation and Maintenance Plan.
- (B) The Permittee shall undertake all reasonable measures to properly maintain the storm drainage system at the site to minimize erosion and sedimentation in the drainage swale and the Moosup River.
- (C) Except during and immediately following storm events, the Permittee shall maintain the retention basin level at or below a level of 508.5 feet above the National Geodetic Vertical Datum of 1929 (the operational level). During and immediately following storm events, the Permittee shall pump out accumulated stormwater that is above the operational level, while maintaining compliance with the terms and conditions of this permit modification. The Permittee shall immediately notify the Commissioner of any conditions that may occur to prevent the Permittee from returning the level of the water in the retention basin to the operational level.
- (D) The Permittee is authorized to discharge groundwater and stormwater runoff from an inactive industrial site. The Permittee will be required to obtain a permit prior to restarting or initiating production activities to authorize the discharge from an active industrial site.

SECTION 7: SAMPLE COLLECTION, HANDLING AND ANALYTICAL TECHNIQUES

- (A) Chemical Analysis
 - (1) Chemical analyses to determine compliance with effluent limits and conditions established in this permit shall be performed using the methods approved by the Environmental Protection Agency pursuant to 40 CFR 136 unless an alternative method has been approved in writing in accordance with 40 CFR 136.4 or as provided in section 22a-430-3(j)(7) of the RCSA. Chemicals which do not have methods of analysis defined in 40 CFR 136 shall be analyzed in accordance with methods specified in this permit.
 - (2) All metals analyses identified in this permit shall refer to analyses for Total Recoverable Metal as defined in 40 CFR 136 unless otherwise specified.
 - (3) The Minimum Levels specified below represent the concentrations at which quantification must be achieved and verified during the chemical analyses for the parameters identified in Section 5 Table A. Analyses for these parameters must include check standards within ten percent of the specified Minimum Level or calibration points equal to or less than the specified Minimum Level.

<u>Parameter</u>	<u>Minimum Level</u>
Aluminum	10.0 µg/L
Cadmium	0.5 µg/L
Chromium	5.0 µg/L
Copper	5.0 µg/L
Lead	5.0 µg/L
Nickel	5.0 µg/L
Zinc	10.0 µg/L

- (4) The value of each parameter for which monitoring is required under this permit shall be reported to the maximum level of accuracy and precision possible consistent with the requirements of this section of the permit.
- (5) Effluent analyses for which quantification was verified during the analysis at or below the minimum levels specified in this section and which indicate that a parameter was not detected shall be reported as "less than x" where 'x' is the numerical value equivalent to the analytical method detection limit for that analysis.
- (6) Results of effluent analyses which indicate that a parameter was not present at a concentration greater than or equal to the Minimum Level specified for that analysis shall be considered equivalent to zero (0.0) for purposes of determining compliance with effluent limitations or conditions specified in this permit.

(B) Acute Aquatic Toxicity Test

- (1) Samples for monitoring of Aquatic Toxicity shall be collected and handled as prescribed in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA/821-R-02-012).
 - (a) Composite samples shall be chilled as they are collected. Grab samples shall be chilled immediately following collection. Samples shall be held at 4 degrees Centigrade until Aquatic Toxicity testing is initiated.
 - (b) Effluent samples shall not be dechlorinated, filtered, or, modified in any way, prior to testing for Aquatic Toxicity unless specifically approved in writing by the Commissioner for monitoring at this facility.
 - (c) Chemical analyses of the parameters identified in Section 5 Table A shall be conducted on an aliquot of the same sample tested for Aquatic Toxicity.
 - (i) At a minimum, pH, specific conductance, total alkalinity, total hardness, and total residual chlorine shall be measured in the effluent sample and, during Aquatic Toxicity tests, in the highest concentration of test solution and in the dilution (control) water at the beginning of the test and at test termination. If Total Residual Chlorine is not detected at test initiation, it does not need to be measured at test termination. Dissolved oxygen, pH, and temperature shall be measured in the control and all test concentrations at the beginning of the test, daily thereafter, and at test termination.
 - (d) Tests for Aquatic Toxicity shall be initiated within 24 hours of sample collection.
- (2) Monitoring for Aquatic Toxicity to determine compliance with the permit limit on Aquatic Toxicity (invertebrate) above shall be conducted for 48-hours utilizing neonatal Daphnia pulex (less than 24-hours old)
- (3) Monitoring for Aquatic Toxicity to determine compliance with the permit limit on Aquatic Toxicity (vertebrate) above shall be conducted for 48-hours utilizing larval Pimephales promelas (1-14 days old with no more than 24-hours range in age).
- (4) Tests for Aquatic Toxicity shall be conducted as prescribed for static non-renewal acute tests in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms" (EPA/821-R-02-012), except as specified below.
 - (a) For Aquatic Toxicity Limits and for monitoring only conditions, expressed as an NOAEL value, Pass/Fail (single-concentration) tests shall be conducted at a specified Critical Test Concentration (CTC) equal to the Aquatic Toxicity Limit, or 100% in the case of monitoring only conditions, as prescribed in section 22a-430-3(j)(7)(A)(I) of the Regulations of Connecticut State Agencies, except that five replicates of undiluted effluent and five replicates of effluent diluted to the CTC shall be included.
 - (b) Organisms shall not be fed during the tests.
 - (c) Copper nitrate shall be used as the reference toxicant in tests with freshwater organisms.
 - (d) Synthetic freshwater prepared with deionized water adjusted to a hardness of 50 mg/L (plus or minus 5

mg/L) as CaCO₃ shall be used as dilution water in tests with freshwater organisms.

(5) Compliance with limits on Aquatic Toxicity shall be determined as follows:

- (a) For limits expressed as an NOAEL value, compliance shall be demonstrated when the results of a valid pass/fail Aquatic Toxicity test indicates there is greater than 50% survival in the undiluted effluent and 90% or greater survival in the effluent at the specified CTC.

SECTION 8: REPORTING REQUIREMENTS

- (A) The results of chemical analyses and any aquatic toxicity test required above shall be entered on the Discharge Monitoring Report (DMR), provided by this office, and reported to the Bureau of Materials Management and Compliance Assurance (Attn: DMR Processing) at the following address. Except for continuous monitoring, any monitoring required more frequently than monthly shall be reported on an attachment to the DMR, and any additional monitoring conducted in accordance with 40 CFR 136 or other methods approved by the Commissioner shall also be included on the DMR, or as an attachment, if necessary. The report shall also include a detailed explanation of any violations of the limitations specified. The DMR shall be received at this address by the last day of the month following the month in which samples are collected.

Bureau of Materials Management and Compliance Assurance
Water Permitting and Enforcement Division (Attn: DMR Processing)
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

- (B) Complete and accurate aquatic toxicity test data, including percent survival of test organisms in each replicate test chamber, LC₅₀ values and 95% confidence intervals for definitive test protocols, and all supporting chemical/physical measurements performed in association with any aquatic toxicity test, including measured daily flow and hours of operation for the 30 consecutive operating days prior to sample collection if compliance with a limit on Aquatic Toxicity is based on toxicity limits based on actual flows described in Section 7, shall be entered on the Aquatic Toxicity Monitoring Report form (ATMR) and sent to the Bureau of Water Protection and Land Reuse at the following address. The ATMR shall be received at this address by the last day of the month following the month in which samples are collected.

Bureau of Water Protection and Land Reuse (Attn: Aquatic Toxicity)
Connecticut Department of Energy and Environmental Protection
79 Elm St.
Hartford, CT 06106-5127

- (C) If this permit requires monitoring of a discharge on a calendar basis (e.g. Monthly, quarterly, etc.), but a discharge has not occurred within the frequency of sampling specified in the permit, the Permittee must submit the DMR and ATMR, as scheduled, indicating "NO DISCHARGE". For those Permittees whose required monitoring is discharge dependent (e.g. per batch), the minimum reporting frequency is monthly. Therefore, if there is no discharge during a calendar month for a batch discharge, a DMR must be submitted indicating such by the end of the following month.

- (D) NetDMR Reporting Requirements

- (1) Prior to one-hundred and eighty (180) days after the issuance of this permit, the Permittee may either submit monitoring data and other reports to the Department in hard copy form or electronically using NetDMR, a web-based tool that allows Permittees to electronically submit discharge monitoring reports (DMRs) and other required reports through a secure internet connection. Unless otherwise approved in writing by the Commissioner, no later than one-hundred and eighty (180) days after the issuance of this permit the Permittee shall begin reporting electronically using NetDMR. Specific requirements regarding subscription to NetDMR and submittal of data and reports in hard copy form and for submittal using NetDMR are described below:

- (a) Submittal of *NetDMR Subscriber Agreement*

On or before fifteen (15) days after the issuance of this permit, the Permittee and/or the person authorized to sign the Permittee's discharge monitoring reports ("Signatory Authority") as described in RCSA Section 22a-430-3(b)(2) shall contact the Department at deep.netdmr@ct.gov and initiate the NetDMR subscription process for electronic submission of Discharge Monitoring Report (DMR) information. Information on NetDMR is available on the Department's website at www.ct.gov/deep/netdmr. On or before ninety (90) days after issuance of this permit the Permittee shall submit a signed copy of the *Connecticut DEEP NetDMR Subscriber Agreement* to the Department.

(b) Submittal of Reports Using NetDMR

Unless otherwise approved by the Commissioner, on or before one-hundred and eighty (180) days after issuance of this permit, the Permittee and/or the Signatory Authority shall electronically submit DMRs and reports required under this permit to the Department using NetDMR in satisfaction of the DMR submission requirement in paragraph (A) of this Section of this permit.

DMRs shall be submitted electronically to the Department no later than the 30th day of the month following the completed reporting period. All reports required under the permit, including any monitoring conducted more frequently than monthly or any additional monitoring conducted in accordance with 40 CFR 136, shall be submitted to the Department as an electronic attachment to the DMR in NetDMR. Once a Permittee begins submitting reports using NetDMR, it will no longer be required to submit hard copies of DMRs or other reports to the Department. Permittee shall also electronically file any written report of non-compliance described in paragraph (A) of this Section and in the following Section of this Permit as an attachment in NetDMR. NetDMR is accessed from: <http://www.epa.gov/netdmr>.

(c) Submittal of NetDMR Opt-Out Requests

If the Permittee is able to demonstrate a reasonable basis, such as technical or administrative infeasibility, that precludes the use of NetDMR for electronically submitting DMRs and reports, the Commissioner may approve the submission of DMRs and other required reports in hard copy form ("opt-out request"). Opt-out requests must be submitted in writing to the Department for written approval on or before fifteen (15) days prior to the date a Permittee would be required under this permit to begin filing DMRs and other reports using NetDMR. This demonstration shall be valid for twelve (12) months from the date of the Department's approval and shall thereupon expire. At such time, DMRs and reports shall be submitted electronically to the Department using NetDMR unless the Permittee submits a renewed opt-out request and such request is approved by the Department.

All opt-out requests and requests for the NetDMR subscriber form should be sent to the following address or by email at deep.netdmr@ct.gov:

Attn: NetDMR Coordinator
Connecticut Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

SECTION 9: RECORDING AND REPORTING OF VIOLATIONS, ADDITIONAL TESTING REQUIREMENTS

- (A) If any sample analysis indicates that an Aquatic Toxicity effluent limitation in Section 5 of this permit has been exceeded, or that the test was invalid, another sample of the effluent shall be collected and tested for Aquatic Toxicity and associated chemical parameters, as described above in Section 5 and Section 6, and the results reported to the Bureau of Materials Management and Compliance Assurance (Attn: DMR Processing), at the address listed above, within 30 days of the exceedance or invalid test. Results of all tests, whether valid or invalid, shall be reported.
- (B) If any two consecutive test results or any three test results in a twelve month period indicates that an Aquatic Toxicity Limit has been exceeded, the Permittee shall immediately take all reasonable steps to eliminate toxicity wherever possible and shall submit a report to Bureau of Materials Management and Compliance Assurance (Attn: Aquatic Toxicity) for the review and approval of the Commissioner in accordance with section 22a-430-3(j)(10)(c)

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of the RCSA describing proposed steps to eliminate the toxic impact of the discharge on the receiving water body. Such a report shall include a proposed time schedule to accomplish toxicity reduction and the Permittee shall comply with any schedule approved by the Commissioner.

- (C) The Permittee shall notify the Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division, within 72 hours and in writing within thirty days of the discharge of any substance listed in the application but not listed in the permit if the concentration or quantity of that substance exceeds two times the level listed in the application.

This permit modification revises and supersedes NPDES Permit No. CT0026972 issued on January 18, 2012.

This permit modification is hereby issued on

DRAFT

Robert J. Klee
Commissioner
Department of Energy and Environmental Protection

RK/OF

cc: Ed Finger, WPED- Enforcement